

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLTON ROY SMITH

v.

JAMEY LUTHER, *et al.*

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CIVIL ACTION

NO. 18-200

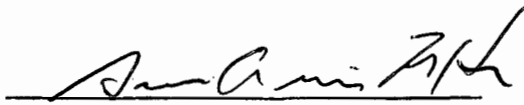
ORDER

AND NOW, this 23rd day of July, 2018, upon consideration of the Petition for Writ of Habeas Corpus, the Commonwealth's Answer, the other documents filed by the parties, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**;
2. The Petition for a Writ of Habeas Corpus is **DISMISSED**, without an evidentiary hearing; and
3. Petitioner has neither shown denial of a federal constitutional right, nor established that reasonable jurists would disagree with this court's procedural disposition of his claims. Consequently, a certificate of appealability is **DENIED**.

IT IS SO ORDERED.

BY THE COURT:


Gerald A. McHugh, J.